REMARKS

Claims 22-66 are pending in the Application and all have been rejected in the final Office action mailed October 6, 2009. Claims 22, 25, 26, 35, 38-40, 51, and 54-56 are amended and new claims 67-69 are added by this response. Claims 22, 35, and 51 are independent claims from which claims 23-34 and 67, 36-50 and 68, and 52-66 and 69 depend, respectively. Applicants respectfully request reconsideration of pending claims 22-66, and consideration of new claims 67-69, in light of the remarks set forth below.

The Applicants note that a goal of patent examination is to provide a prompt and complete examination of a patent application.

> It is **essential** that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, USPTO personnel should state all reasons and bases for rejecting claims in the first Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, USPTO personnel should indicate how rejections may be overcome and how problems may be resolved. **A failure to follow this approach can lead to unnecessary delays in the prosecution of the application**.

M.P.E.P. § 2106(II) (emphasis added).

As such, the Applicants assume, based on the goals of patent examination noted above, that any future Office action, should one be issued, sets forth "all reasons and bases" for rejecting the claims.

Amendments to Claims

Claims 22, 35, and 51 have been amended to clarify aspects of the claims. Support for the amendments may be found, for example, at pages 254-290 and FIGs. 55a, 56a, and 56b of the Application. Claims 25, 26, 38-40, and 54-56 have been amended to use terminology consistent with the amendments to claims 22, 35, and 51. Applicants respectfully submit that these amendments do not add new matter.

Rejections of Claims

Claims 22, 25-28, 31, 32, and 34 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy III, et al. (US 5,734,981, hereinafter "Kennedy"). Claims 23, 24, 29, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, et al. (US 5,526,353, hereinafter "Henley"). Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, and further in view of Sharman (US 5,774,854). Claims 35, 38-41, 44-47, 51, 54-57, and 60-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, et al. (US 5,438,564, hereinafter "Hemmady"). Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Henley. Claims 50 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Sharman. Applicants respectfully traverse the rejections. Notwithstanding, Applicants have amended claims 22, 25, 26, 35, 38-40, 51, and 54-56 as shown above, rendering the rejections of the instant Office action moot.

I. Kennedy Does Not Anticipate Claims 22, 25-28, 31, 32, 34, 35, 38-41, And 44-47

Claims 22, 25-28, 31, 32, 34, 35, 38-41, and 44-47 were rejected under 35 U.S.C. §102(e) as being anticipated by Kennedy.

With regard to anticipation rejections, MPEP §2131 states, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either

expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). MPEP 2131 also states, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). (emphasis added)

With regard to independent claim 22, Applicants respectfully submit that the Office again asserts, at page 2, that Kennedy teaches "...at least one converter (174, 176, FIG. 3) for selectively converting information received by the packet interface (call delivery information) for transmission via one of the at least one network interface in the associated format (column 12, lines 39-42), and for selectively converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format (column 12, lines 30-33);...." Applicants have previously addressed this rejection over Kennedy. *See* Applicants' response filed April 28, 2009 at pages 14-20 responding to January 22, 2009 Office action. Applicants will not repeat the arguments of the prior response again here, but hereby incorporate the prior response in its entirety, as though set forth in full.

In response to Applicants' arguments filed April 28, 2009, the instant Office action states the following, at pages 14-15:

> Kennedy teaches a modem and DTMF encoder/decoder (e.g. 174, FIG. 3) which decodes a telephone number or other mobile unit identification number and passes the number to processor for establishing a communication connection (e.g. see column 12, line 39-42). One skilled in the art could easily understand from Kennedy's disclosure that the functions of the modem and DTMF encoder/decoder are to convert call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170, and to convert call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160. One skilled in the art would be familiar with the functionalities of a modem, although which may not be explicitly disclosed, are to convert digital signals to signals that can be transmitted over a phoneline such as one used in a typical PSTN

> network and convert signals from a phone lines back to digital signals.

Applicants do not disagree with the above statements by the Office regarding the presence of a "modem and DTMF encoder/decoder 174" in FIG. 3 of Kennedy. Applicants are also familiar with the operation of both modems and DTMF encoders/decoders.

Applicants respectfully submit that, however, the instant Office action ignores aspects of claim 22, and is misinterpreting the teachings of Kennedy. Applicants respectfully note that M.P.E.P. §2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (emphasis added) M.P.E.P. §2131 also recognizes the requirement that "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." (emphasis added) Thus, to support a finding of anticipation, a single reference **must** teach each and every aspect of the claim at issue, including all of the recited elements and the structural relationships of one element to another as defined by the claim.

Applicants respectfully disagree with the unsupported statement that Kennedy teaches that "the functions of the modem and DTMF encoder/decoder are to convert call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170, and to convert call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160." Applicants previously set forth arguments traversing the same rejection at pages 14-20 of the response filed April 28, 2009, and hereby incorporate that response here in its entirety.

Applicants respectfully submit that the Office appears to mistakenly focus only on the functionality of a "modem and DTMF encoder/decoder," and has failed to specifically show how and where Kennedy teaches that "modem and DTMF encoder/decoder 174" of Kennedy teaches "convert[ing] call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170, and to convert call data

received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160," as asserted by the Office, let alone provide the support required for an anticipation rejection with regards to Applicants' claim 22.

In the "Response to Arguments" of the instant Office action, the Office cites Kennedy only at column 12, lines 39-42 in its response to Applicants' lengthy and detailed traversal of the rejection of January 21, 2009. The Office asserts that portion of Kennedy teaches "a modem and DTMF encoder/decoder (e.g. 174, FIG. 3) which decodes a telephone number or other mobile unit identification number and passes the number to processor for establishing a communication connection." Initially, Applicants respectfully submit that even if Applicants were to agree that Kennedy at column 12, lines 39-42 teaches what is alleged, **which Applicants do not**, the Office has not explained how such a disclosure teaches Applicants' claimed "at least one converter," as more fully claimed by claim 22.

Applicants now turn to address the cited portion of Kennedy at column 12, lines 39-42, which is shown below with the portion of Kennedy at lines 30-33 of column 12 cited in the rejection. All of the portions of Kennedy cited by the Office in rejecting Applicants' claimed "at least one converter" are shown below, in the context of lines 22-54 of column 12 of Kennedy, with the portions chosen by the Office underlined:

> In operation, data transceiver 160 receives a call delivery information report from mobile unit 12. Data transceiver 160 passes the report to processor 140 of platform 18 using link 158. Processor 140 validates the report using fraud management system 150 and logs the report for usage tracking system 152 and billing system 154. Processor 140 stores the call delivery information report time-stamped and indexed by mobile unit identification number in memory 142. Processor 140 can communicate the call delivery information report using link 156 to home switch 42, other switches 48, or other platforms 18 in a distributed platform system.
>
> Platform 18 receives a call for mobile unit 12 on link 170. A caller 36 establishes a connection with link 170 by placing a call, such as a 1+800 call, to platform 18 or by

> placing a call to home switch 42 or other switches 48, which then direct the call to platform 18. Caller 36 enters a telephone number or other mobile unit identification number, which is decoded by modem/DTMF 174 or modem 178 and passed to processor 140. Processor 140 validates the mobile unit identification number and upon validation accesses the most recent call delivery information report stored in memory 142 indexed by the mobile unit identification number.
>
> Depending on the type of call delivery information retrieved from memory 142, processor 140 performs additional processing using look -up tables 144 to determine a proper dialing number and method to establish communications with mobile unit 12. Processor 140 directs coupler 146 to place a call to mobile unit 12 using link 172. Upon establishing a communications link with mobile unit 12, coupler 146 couples link 170 connecting caller 36 with link 172 connecting mobile unit 12.

The first paragraph of Kennedy shown above teaches that "data transceiver 160", (referred to as "interface 160" by the Office) receives a "call delivery information report" from the "mobile unit 12," and passes the "call delivery information report" to "Processor 140." "Processor 140" then validates, logs, and stores the "call delivery information report" in the "memory 142."

The second paragraph shown above teaches that the "platform 18" receives a call for "mobile unit 12" on "link 170," established by a "caller 36" through an "800 number" call to "platform 18", or from another switch. The cited portion of Kennedy at lines 39-42 teaches that a "caller 36" then enters a "telephone number or other mobile unit identification number," which is decoded by "modem/DTMF 174" or "modem 178." Kennedy goes on to say that the "processor 140" (which is not a part of "interface 160" identified by the Office in its "Response to Arguments") validates the "mobile unit identification number" and, if valid, accesses the most recent "call delivery information report" stored in "memory 142" (also not a part of "interface 160").

In the third and last paragraph shown above, Kennedy continues by explaining that "processor 140" then performs additional processing to determine "a proper dialing number and method" to establish communication with "mobile unit 12." "Processor 140" then directs "coupler 146" (again, not a part of "interface 160") to place a call to "mobile unit 12" using "link 172" (not through "interface 160" or the "data network 16" identified by the Office). Upon establishing a communications link with "mobile unit 12," the "coupler 146" couples "link 170" (the incoming call from "caller 36") with "link 172" connected to "mobile unit 12."

Applicants respectfully submit that, although Kennedy teaches a "call delivery information report" is received from the "mobile unit 12" by "data transceiver 160" and is passed by "data transceiver 160" to "processor 140" before being stored in "memory 142," the received and stored "call delivery information report" is not passed to the "modem/DTMF 174" or "modem 178" or to "link 170." It should be further noted that any communication by "processor 140" with "home switch 42" and "other switches 48" takes place over "communications link 156," not "link 170." *See id.* at col. 11, lines 7-10. Therefore, Applicants respectfully submit that neither the cited portion of Kennedy at column 12, lines 39-42 nor the surrounding text teaches or suggests where Kennedy acts to "convert call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170," as asserted by the Office.

In addition, the portions of Kennedy cited by the Office do not teach or suggest that anything is passed from "link 170" to "data transceiver 160" and "data network 16," and therefore do not teach or suggest "converting for transmission via the packet interface information received from the one of the at least one network interface in the associated format," as asserted by the Office in its "Response to Arguments."

Thus, the "Response to Arguments" set forth by the Office does not provide any additional support to overcome the shortcomings of Kennedy set forth above and during prior prosecution in establishing the requirements for a rejection based on anticipation, because the passages chosen by the Office as allegedly teaching Applicants' claimed "at least one converter" do not teach at least that aspect of Applicants' claim 22.

Applicants respectfully request that the Office specifically identify any errors in Applicants' interpretation of the portions of Kennedy shown above, if the Office believes that Applicants have misinterpreted the cited teachings of Kennedy. As previously noted, the passages from Kennedy shown above include all portions identified by the Office in the rejection of Applicants' "at least one converter," and the solitary portion of Kennedy cited in support of its "Response to Arguments."

Applicants respectfully challenge the conclusory statements made without proper support that "[o]ne skilled in the art could easily understand from Kennedy's disclosure that the functions of the modem and DTMF encoder/decoder are to convert call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170, and to convert call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160." Clearly, as demonstrated above, the cited portions of Kennedy selected by the Office do not teach or suggest what is asserted with regard to "interface 160" or "data network 16." In addition, Applicants respectfully submit that the cited portions and the surrounding context of Kennedy cannot be stretched to far as to teach or suggest all of the features of Applicants' claimed "at least one converter." Further, the Office has not identified any other portion of Kennedy in its "Response to Arguments" that teach or suggest "that the functions of the modem and DTMF encoder/decoder are to convert call data received by interface 160 from data network 16 for transmission to PSTN network 38 via interface 170, and to convert call data received by interface 170 from PSTN network 38 for transmission to data network 16 via interface 160." Instead, the Office focuses only on the functionality of a "modem/DTMF 174" or "modem 178" and ignores the remaining limitations of Applicants' claimed "at least one converter."

Therefore, for at least the reasons set forth above, Applicants respectfully submit that the Office has not shown where Kennedy teaches each and every element of Applicants' claim 22, as required by M.P.E.P. §2131, that Kennedy does not anticipate Applicants' claim 22 for at least that reason, and that claim 22 is allowable over Kennedy. **Applicants respectfully request a telephone conference with the**

Examiner and his Supervisor, should the Office persist in maintaining the rejection.

In any event, Applicants respectfully submit that claim 22 has been amended so that it now recites, in part, "a controller receiving, from either of the packet network and the at least one network interface, signaling information that initiates a call connection between the packet network and one of the at least one communication network, the controller adapting the operation of the converter and establishing the call connection between the packet network and the one of the at least one communication network, based upon the received signaling information and a cross-reference between an address on the at least one communication network and an associated address on the packet network." Independent claims 35 and 51 have been amended to recite similar features. Applicants respectfully submit that Kennedy does not teach or suggest all of the elements of Applicants' claimed "controller," as recited by amended claim 22.

For example, the Office identifies the "data network 16" of Kennedy as teaching Applicants' claimed "packet network." Kennedy, however, does not teach or suggest establishment of a call connection between the "data network 16," and the "links 170" or "links 172" that the Office has identified as teaching Applicants' "at least one network interface" associated with each of the claimed "at least one communication network." Therefore, Applicants respectfully submit that Kennedy does not teach or suggest at least this aspect if Applicants' amended claim 22.

In addition, Kennedy fails to teach or suggest "a cross-reference between an address on the at least one communication network and an associated address on the packet network." While Kennedy teaches that "memory 142" stores "call delivery information reports," Kennedy fails to teach that "memory 142" is "a cross-reference between an address on the at least one communication network and an associated address on the packet network," as recited by amended claim 22.

Based at least upon the above, Applicants continue to believe that Kennedy fails to teach each and every element of Applicants' claim 22, as required by M.P.E.P.

§2131. Applicants respectfully submit that a *prima facie* case of anticipation has not been established with respect to claim 22, and that claim 22 is allowable over Kennedy.

With regard to dependent claim 25, Applicants respectfully note that the rejection of the instant Office action is a repeat of the rejection of claim 25 that appears in the Office action of January 29, 2009. Applicants responded to the rejection of January 29, 2009 on April 28, 2009, and will not repeat the response again here, but hereby incorporate herein that response as though set forth in its entirety. **Applicants respectfully submit that the instant Office action failed to even respond to Applicants' arguments of April 28, 2009, and that claim 25 is allowable for at least that reason alone.**

With regards to dependent claim 31, Applicants respectfully note that the rejection of the instant Office action is a repeat of the rejection of claim 31 that appears in the Office action of January 29, 2009. Applicants responded to the rejection of January 29, 2009 on April 28, 2009, and will not repeat the response again here, but hereby incorporate herein that response as though set forth in its entirety. **Applicants respectfully submit that the instant Office action failed to even respond to Applicants' arguments of April 28, 2009, and that claim 31 is allowable for at least that reason alone.**

With regards to dependent claim 32, Applicants respectfully note that the rejection of the instant Office action is a repeat of the rejection of claim 32 that appears in the Office action of January 29, 2009. Applicants responded to the rejection of January 29, 2009 on April 28, 2009, and will not repeat the response again here, but hereby incorporate herein that response as though set forth in its entirety. **Applicants respectfully submit that the instant Office action failed to even respond to Applicants' arguments of April 28, 2009, and that claim 32 is allowable for at least that reason alone.**

Therefore, Applicants respectfully submit that claim 22 is allowable over Kennedy. Applicants respectfully submit that because claims 23-34 depend from

allowable claim 22, claims 23-34 are also allowable, for at least the reasons set forth above. In addition, Applicants have shown that claims 25, 31, and 32 are independently allowable over Kennedy. Accordingly, Applicants respectfully request that the rejection of claims 22, 25-28, 31, 32, and 34 under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Rejections Under 35 U.S.C. §103

Applicants respectfully note that the remaining rejections of the Office action are for alleged reasons of obviousness. Applicants first review the requirements for a rejection based on obviousness. According to M.P.E.P. §2142, "[t]he examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness." M.P.E.P. §2142 further states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." As recognized in M.P.E.P. §2142, "[t]he Supreme Court in *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727 (2007), 82 USPQ2d 1385, 1396 noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." In addition, the Federal Circuit has made clear that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also *KSR,* 127 S. Ct. 1727 (2007), 82 USPQ2d at 1396.

In addition, to establish prima facie obviousness of a claimed invention, all the claim limitations **must** be taught or suggested by the prior art. *In re* Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). (emphasis added) "**All** words in a claim must be considered in judging the patentability of that claim against the prior art." *In re* Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). (emphasis added) If an

independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re* Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants respectfully submit that the Office action has failed to establish a *prima facie* case of obviousness, in accordance with M.P.E.P. §2142.

II. The Proposed Combination Of Kennedy And Henley Does Not Render Claims 23, 24, 29, And 33 Unpatentable

Claims 23, 24, 29, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley. Applicants respectfully submit that claims 23, 24, 29, and 33 depend from independent claim 22. Applicants respectfully submit that claim 22 is allowable over the proposed combination of Kennedy and Henley, in that the Office has not asserted that Henley teaches the deficiencies of Kennedy set forth above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claims 23, 24, 29, and 33 that depend therefrom are also allowable, for at least the same reasons. Therefore, Applicants respectfully request that the rejection of claims 23, 24, 29, and 33 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. The Proposed Combination Of Kennedy, Henley, And Sharman Does Not Render Claim 30 Unpatentable

Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Henley, and further in view of Sharman. Applicants respectfully submit that claim 30 depends indirectly from independent claim 22. Applicants respectfully submit that claim 22 is allowable over the proposed combination of Kennedy, Henley, and Sharman, in that the Office has not asserted that either or both of Henley and Sharman teach the deficiencies of Kennedy, as set forth above. Because claim 22 is allowable over the proposed combination of references, Applicants respectfully submit that claim 30 that depends therefrom is also allowable, for at least

the same reasons. Applicants respectfully submit that claim 30 is allowable for at least an additional reason.

Applicants respectfully submit that the cited art does not teach what is claimed in Applicants' claim 30, namely, "wherein the converting comprises buffering digitized voice information for a period of time to minimize gaps in an analog voice signal." The Office admits that the combination of Kennedy and Henley does not teach Applicants' claim 30. *See* Office action of October 6, 2009 at pages 6-7. Notably, the Office then cites only Sharman at column 7, lines 39-48 as remedying the admitted shortcomings of Kennedy and Henley. Applicants now review the cited portion of Sharman, which is shown below:

> An important aspect of the TTS system is that it is intended to operate in real-time. Thus the situation should be avoided where the acoustic processor requests further data from the linguistic processor, but due to the computational time within the linguistic processor, the acoustic processor runs out of data before this request can be satisfied (which would result in a gap in the speech output). Therefore, it may be desirable for certain components to try to buffer a minimum amount of output data, so that future requests for data can be supplied in a timely manner.

The cited portion of Sharman shown above teaches that it may be desirable "for certain components" to buffer a minimum amount of "output data" so that future "requests for data" can be supplied in a timely manner. Applicants respectfully submit that this cited portion of Sharman teaches that the "requests for data" are made by the "acoustic processor" requesting further data from the "linguistic processor." Notably, the cited portion of Sharman does not identify the nature of the "data" being requested. Sharman describes the nature of the data sent from the "linguistic processor" to the "acoustic processor" at column 4, lines 11-25, which is shown below:

> FIG. 2 is a high-level block diagram of the components and command flow of the text to speech system. As in the prior art, the two main components are the linguistic processor 210 and the acoustic processor 220.

> These are described in more detail below, but perform essentially the same task as in the prior art, i.e., the linguistic processor receives input text, and converts it into a sequence of annotated text segments. This sequence is then presented to the acoustic processor, which converts the annotated text segments into output sounds. In the current embodiment, the sequence of annotated text segments comprises a listing of phonemes (sometimes called phones) plus pitch and duration values. However other speech segments (e.g., syllables or diphones) could easily be used, together with other information (e.g., volume).

(emphasis added)

As can be seen in the underlined portion shown above, Sharman teaches that the "linguistic processor" receives "input text," and converts it into "a sequence of annotated text segments." This "sequence" is then presented to the "acoustic processor," which converts the "annotated text segments" into "output sounds." Applicants respectfully submit that there is no mention of "digitized voice information," let alone the buffering of such information. Further, the "data" being provided by the "linguistic processor" to the "acoustic processor" is "annotated **text** segments." Applicants respectfully submit that "annotated text segments" are quite different from and do not teach or suggest "digitized voice information," as recited by Applicants' claim 30. Therefore, Applicants respectfully submit that the suggestion by Sharman (in the portion of Sharman specifically chosen by the Office) that "it may be desirable for certain components to try to buffer a minimum amount of output data, so that future requests for data can be supplied in a timely manner" is referring to the buffering of the "annotated **text** segments" provided by the "linguistic processor" to the "acoustic processor," and not "digitized voice information," as claimed Applicants respectfully submit that such a teaching of buffering "annotated text segments" is quite different from the buffering of "digitized voice information," as more completely claimed by Applicants' claim 30. Therefore, it is not true that Sharman teaches buffering "digitized voice information," as asserted by the Office.

As noted earlier, the Office relies only on Sharman to overcome the admitted deficiency of Kennedy and Henley. Applicants have shown that Sharman does not teach Applicants claimed buffering. Further, the Office does not assert that Henley provides any support in this regard. Because Kennedy and Henley admittedly do not teach what is claimed, and Applicants have shown that Sharman does not teach the missing subject matter, Applicants respectfully submit that the Office has not shown that the proposed combination of Kennedy, Henley, and Sharman teach or suggest all aspects of Applicants' claim 30, as required by M.P.E.P. §2142. Therefore, Applicants respectfully submit that the cited art does not render claim 30 unpatentable, and that claim 30 is independently allowable over Kennedy, Henley, and Sharman for at least this additional reason

Therefore, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

IV. The Proposed Combination Of Kennedy And Hemmady Does Not Render Claims 35, 38-41, 51, 54-57, And 60-83 Unpatentable

Claims 35, 38-41, 44-47, 51, 54-57, and 60-63 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady. Applicants respectfully traverse the rejection.

As an initial matter, Applicants again respectfully submit that identified U.S. Patent No. 5,438,564 was issued to Takahashi, not Hemmady. Applicants assume that U.S. Patent No. 5,438,565 to Hemmady, et al. is the reference that was intended. This error was noted in the response filed April 28, 2009.

With regard to independent claims 35 and 51, Applicants respectfully note that claims 35 and 51 have been amended in a manner similar to that of claim 22. Applicants further respectfully submit that claims 35 and 51 are allowable over the cited art in that the Office has not shown that Hemmady overcomes the failings of Kennedy, set forth above with respect to claim 22. Applicants respectfully submit that amended claims 35 and 51, and any claims that depend therefrom, are allowable over the cited

art for at least some of the reasons set forth above, and request that the rejection of claims 35 and 51, and claims 38-41, 44-47, 54-57, and 60-63, that depend therefrom, under 35 U.S.C. §103(a) be reconsidered and withdrawn.

With regard to claims 38 and 54, the Office asserts that "Kennedy, II et al teach the method of claim 35 wherein the information exchanged via the packet network comprises digitized voice information (column 9, lines 65-67, column 10, lines 1-4). Applicants respectfully note that the Office cites only Kennedy and only at col. 9, lines 65-67 and col. 10, lines 1-4. Applicants have previously addressed this repeated rejection of claims 38 and 54. *See* response filed April 28, 2009 at pages 36-37. Applicants will not repeat the response of April 28, 2009, but hereby incorporate Applicants' earlier filed arguments here as if set forth in full. **Applicants respectfully note that the instant Office action did not responded to Applicants' arguments filed on April 28, 2009, and that claims 38 and 54 are allowable for at least that reasons alone.**

With regard to claims 41 and 57, the Office asserts that "Kennedy, II et al teach the method of claim 35 wherein the at least one communication network is a second packet network (172, FIG. 3, column 11, lines 51-52)." Applicants respectfully note that the Office cites only Kennedy and only at "element 172" of Fig. 3 and col. 11, lines 51-52. Applicants have previously addressed this repeated rejection of claims 41 and 57. *See* response filed April 28, 2009 at page 37. Applicants will not repeat the response of April 28, 2009, but hereby incorporate Applicants' earlier filed arguments here as if set forth in full. **Applicants respectfully note that the instant Office action did not responded to Applicants' arguments filed on April 28, 2009, and that claims 41 and 57 are allowable for at least that reasons alone.**

Therefore, Applicants believe that claims 35 and 51 are allowable over the proposed combination of Kennedy and Hemmady, for at least the reasons set forth above. Because claims 36-50 and 52-66 depend from allowable independent claims 35 and 51, Applicants respectfully submit that claims 36-50 and 52-66 are also allowable, for at least the same reasons. Further, Applicants have shown that claims 38, 41, 54,

and 57 are independently allowable over the cited art. Accordingly, Applicants respectfully request that the rejection of claims 35, 38-41, 44-47, 51, 54-57, and 60-63 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

V. The Proposed Combination Of Kennedy, Hemmady, And Henley Does Not Render Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, And 65 Unpatentable

Claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Henley. Claims 36, 37, 42, 43, 48, and 49 depend from independent claim 35, and claims 52, 53, 58, 59, 64, and 65 depend from independent claim 51. Applicants respectfully submit that claims 35 and 51 are allowable over the proposed combination of references, for at least the reason that Henley fails to remedy the shortcomings of Kennedy and Hemmady, set forth above. Because claims 35 and 51 are allowable over the proposed combination of Kennedy, Hemmady, and Henley, Applicants respectfully submit that claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 that depend therefrom are also allowable, for at least the same reasons. Accordingly, Applicants respectfully request that the rejections of claims 36, 37, 42, 43, 48, 49, 52, 53, 58, 59, 64, and 65 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

VI. The Proposed Combination Of Kennedy, Hemmady, And Sharman Does Not Render Claims 50 And 66 Unpatentable

Claims 50 and 66 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kennedy in view of Hemmady, and further in view of Sharman. Applicants respectfully note that claim 50 depends from independent claim 35, and claim 66 depends from independent claim 51. Applicants respectfully submit that claims 35 and 51 are allowable over the proposed combination of references, in that the Office has not asserted that Sharman remedies the shortcomings of Kennedy and Hemmady, set forth above. Because claims 35 and 51 are allowable over the proposed combination of Kennedy, Hemmady, and Sharman, Applicants respectfully submit that claims 50 and 66 that depend therefrom are also allowable, for at least the same reasons. Applicants

respectfully submit that claims 50 and 66 are allowable over the cited art for at least an additional reason.

Applicants respectfully submit that the cited art does not teach what is claimed in Applicants' claims 50 and 66, namely, "wherein the converting comprises buffering digitized voice information for a period of time to minimize gaps in an analog voice signal." The Office admits that Kennedy does not teach Applicants' claims 50 and 66. *See* Office action of October 6, 2009 at page 13. Notably, the Office then cites only Sharman at column 7, lines 39-48 as remedying the admitted shortcomings of Kennedy. Applicants now review the cited portion of Sharman, which is shown below:

> An important aspect of the TTS system is that it is intended to operate in real-time. Thus the situation should be avoided where the acoustic processor requests further data from the linguistic processor, but due to the computational time within the linguistic processor, the acoustic processor runs out of data before this request can be satisfied (which would result in a gap in the speech output). Therefore, it may be desirable for certain components to try to buffer a minimum amount of output data, so that future requests for data can be supplied in a timely manner.

The cited portion of Sharman shown above teaches that it may be desirable "for certain components" to buffer a minimum amount of "output data" so that future "requests for data" can be supplied in a timely manner. Applicants respectfully submit that this cited portion of Sharman teaches that the "requests for data" are made by the "acoustic processor" requesting further data from the "linguistic processor." Notably, the cited portion of Sharman does not identify the nature of the "data" being requested. Sharman describes the nature of the data sent from the "linguistic processor" to the "acoustic processor" at column 4, lines 11-25, which is shown below:

> FIG. 2 is a high-level block diagram of the components and command flow of the text to speech system. As in the prior art, the two main components are the linguistic processor 210 and the acoustic processor 220. These are described in more detail below, but perform

> essentially the same task as in the prior art, i.e., the linguistic processor receives input text, and converts it into a sequence of annotated text segments. This sequence is then presented to the acoustic processor, which converts the annotated text segments into output sounds. In the current embodiment, the sequence of annotated text segments comprises a listing of phonemes (sometimes called phones) plus pitch and duration values. However other speech segments (e.g., syllables or diphones) could easily be used, together with other information (e.g., volume).

(emphasis added)

As can be seen in the underlined portion shown above, Sharman teaches that the "linguistic processor" receives "input text," and converts it into "a sequence of annotated text segments." This "sequence" is then presented to the "acoustic processor," which converts the "annotated text segments" into "output sounds." Applicants respectfully submit that there is no mention of "digitized voice information," let alone the buffering of such information. Further, the "data" being provided by the "linguistic processor" to the "acoustic processor" is "annotated **text** segments." Applicants respectfully submit that "annotated text segments" are quite different from and do not teach or suggest "digitized voice information," as recited by Applicants' claims 50 and 66. Therefore, Applicants respectfully submit that the suggestion by Sharman (in the portion of Sharman specifically chosen by the Office) that "it may be desirable for certain components to try to buffer a minimum amount of output data, so that future requests for data can be supplied in a timely manner" is referring to the buffering of the "annotated **text** segments" provided by the "linguistic processor" to the "acoustic processor," and not "digitized voice information," as claimed Applicants respectfully submit that such a teaching of buffering "annotated text segments" is quite different from the buffering of "digitized voice information," as more completely claimed by Applicants' claims 50 and 66. Therefore, it is not true that Sharman teaches buffering "digitized voice information," as asserted by the Office.

As noted earlier, the Office relies only on Sharman to overcome the admitted deficiency of Kennedy. Applicants have shown that Sharman does not teach Applicants

claimed buffering. Further, the Office does not assert that Hemmady provides any support in this regard. Because Kennedy admittedly does not teach what is claimed, and the Office does not assert that Hemmady provides any support, and Applicants have shown that Sharman does not teach the missing subject matter, Applicants respectfully submit that the Office has not shown that the proposed combination of Kennedy, Hemmady, and Sharman teach or suggest all aspects of Applicants' claims 50 and 66, as required by M.P.E.P. §2142. Therefore, Applicants respectfully submit that the cited art does not render claims 50 and 66 unpatentable, and that claims 50 and 66 are independently allowable over Kennedy, Hemmady, and Sharman for at least this additional reason.

Accordingly, Applicants respectfully request that the rejections of claims 50 and 66 under 35 U.S.C. §103(a) be reconsidered and withdrawn.

Newly Added Claims

Claims 67-69 have been added. Claim 67, 68, and 69 depend, respectively, from independent claims 22, 35, and 51. Support for new claims 67-69 may be found, for example, at pages 254 to 290 and FIGs. 55a, 56a, and 56b of the Application. Applicants respectfully submit that new claims 67-69 do not add new matter.

Conclusion

In general, the Office Action makes various statements regarding the claims and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. However, Applicants expressly reserve the right to challenge such statements in the future should the need arise (e.g., if such statements should become relevant by appearing in a rejection of any current or future claim).

An early Office Action on the merits and allowance of claims 22-69 is respectfully requested.

The Commissioner is hereby authorized to charge any fees required by this submission to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Dated: February 18, 2009
By /Kevin E. Borg/

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